

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	
<hr style="border: 0.5px solid black;"/>	)	MDL No. 1456
	)	Civil Action No. 01-cv-12257-PBS
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	Judge Patti B. Saris
	)	
<i>State of Utah v. Actavis US, Inc., et al.</i>	)	Magistrate Judge Marianne B. Bowler
	)	
	)	
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**RESPONSE TO UTAH’S RENEWED MOTION TO REMAND**

Defendants respectfully submit this response to Plaintiff State of Utah’s June 2, 2008 Renewed Motion to Remand this action to state court (Doc. No. 5349).

On June 6, 2008, the defendants in *State of Utah v. Abbott Labs, Inc. et al.*, filed an Opposition to Remand (Doc. No. 5363), in response to a similar motion that Utah filed in that action. The defendants herein adopt the arguments against remand (and in favor of federal jurisdiction) as reflected in Document No. 5363 that was filed in the *Abbott* case.

However, the defendants in this case are aware of this Court’s June 10, 2008 Order granting remand in *State of Utah v. Abbott Labs, Inc. et al.* We acknowledge that the Court is likely to apply the same jurisdictional analysis here as it did in *Abbott*. Thus, the defendants file this short submission to preserve their

arguments, without burdening the Court with additional briefing on Utah's  
Renewed Motion to Remand.

Respectfully submitted,

**s/ John R. Fleder**

John R. Fleder

Hyman, Phelps & McNamara, P.C.

700 13<sup>th</sup> Street NW

Suite 1200

Washington, DC 20005

Telephone: (202) 737-4580

Facsimile: (202) 737-9329

*Attorney for the Defendant sued under the  
name of Actavis US, Inc.*

*With permission on behalf of all served  
Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 19, 2008, I caused a true and correct copy of the foregoing Response to Utah's Renewed Motion to Remand to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 in MDL No. 1456, and also to be served by First Class Mail on the following:

W. Daniel "Dee" Miles, III  
Clinton C. Carter  
Special Assistant Attorneys General  
Beasley, Allen, Crow, Methvin, Portis and Miles, P.C.  
272 Commerce Street  
P.O. Box 4160  
Montgomery, AL 36103-4160

Joseph W. Steele  
Special Assistant Attorney General  
Garretson Steele, LLC  
5664 South Green Street, Suite 300  
Salt Lake City, UT 84123

David R. Stallard

Assistant Attorney General  
Utah Medicaid Fraud Control Unit  
5272 College Drive, Suite 200  
Salt Lake City, UT 84123

R. Willis Orton  
Alexander Dushku  
Kirton & McConkie  
60 East South Temple, Suite 1800  
Salt Lake City, UT 84111-1004

**s/ Douglas B. Farquhar**

Douglas B. Farquhar  
Hyman, Phelps & McNamara, P.C.  
700 13<sup>th</sup> Street NW  
Suite 1200  
Washington, DC 20005  
Telephone: (202) 737-9624  
Facsimile: (202) 737-9329